

**AMENDMENTS TO THE DRAWINGS**

The attached replacement sheet, embodying Figures 6A-E, has been amended to correct the following informality: (1) in Fig. 6D, the label “DM-BM” has been changed to “DM-BN” to correct a typographical error and make the label consistent with the specification (*see, e.g.*, specification at page 22, line 3 *et seq.*, corresponding to paragraph [0076] of US Patent Application Publication No. US 2005/0243190 A1).

Attachments: One (1) Replacement sheet embodying Figures 6A, 6B, 6C, 6D, and 6E.

**REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the foregoing amendments and following remarks.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

The Office Action indicates that claims 1, 3-9, 11-17, 27, and 28 are pending in this application. Claims 1, 7, 9, 15, 17, and 27 are herein amended, and claims 6, 14, and 28 are herein canceled without prejudice or disclaimer. Upon entry of this amendment, claims 1, 3-5, 7-9, 11-13, 15-17, and 27 are pending, with claims 1, 9, 17, and 27 being in independent form, and the remaining claims being dependent. A Replacement Sheet attached hereto is being submitted to amend the drawings to address an informality. No new matter has been added by the amendments presented herein. Please substitute the drawings on the attached Replacement Sheet, embodying Figures 6A-6E, for the drawings currently of record in this application.

It is submitted that the claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are primarily directed to form and are made simply for clarification.

**II. OBJECTION TO THE DRAWINGS**

The Office Action objects to the drawings under 37 CFR § 1.83(a), stating that in Fig. 1 DTz should be written as DTc in accordance with the page 10, line 21 of the specification.

While Applicant acknowledges the inconsistency between Fig. 1 and page 10, line 21 of the specification, Applicant respectfully submits that the DTz reference in the drawing to

identify transmission data is correct as indicated by the specification at, for example, page 27, line 11 *et seq.* (corresponding to paragraph [0087] of US Patent Application Publication No. US 2005/0243190 A1). Thus, Applicant has addressed the inconsistency identified in the Office Action by herein amending the specification to make it consistent with Fig. 1.

Accordingly, in view of the foregoing, Applicant respectfully submits that the objection to the drawings has been obviated, and should thus be withdrawn.

### **III. REJECTIONS UNDER 35 U.S.C. § 101**

Claims 17, 27 and 28 are rejected under 35 USC § 101 as allegedly being directed to non-statutory subject matter. Applicant has herein amended claims 17 and 27 to more clearly recite statutory subject matter, consistent with the Examiner's suggestions and with, *inter alia*, MPEP § 2106.01. In view of these amendments, it is submitted that the § 101 rejection has been obviated and rendered moot, and should thus be withdrawn.

### **IV. REJECTIONS UNDER 35 U.S.C. § 102(e)**

The Office Action states that claim 1 is rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. US 2003/0016750 to Cok et al. (hereinafter, "Cok"). Applicant respectfully notes that the Office Action does not explicitly state that the remaining pending claims are rejected in view of the prior art; however, the reasoning set forth in the Office Action appears to indicate that these claims are also rejected as being anticipated by Cok. Applicant respectfully traverses the stated § 102(e) rejection, and submits that all pending claims are patentable over Cok for at least the reasons presented below.

As understood by Applicants, Cok relates to presenting digital motion image sequences at different effective rates, e.g., the effective rate may be different in different portions of an image sequence. More specifically, Cok relates to recording a digital motion image sequence at a capture frame rate; analyzing the recorded digital motion image sequence to determine different effective image content change rates as a function of the frame-to-frame scene content changes in different portions of the image sequence, and processing the digital motion image sequence to produce a processed digital motion image sequence whose image content change can be presented at the effective rate. *See, e.g.*, Abstract and ¶ [0017]. Cok explains that presentation of an effective frame rate motion image sequence can be accomplished in one of two different ways: (i) by displaying a frame for an arbitrary amount of time, or (ii) by presenting frames at a fixed presentation frame rate that is an integral multiple of any of the effective frame rates within the motion image sequence. According to Cok, to implement the first way each frame in the image sequence is accompanied by meta-data information describing the frame rate (or exposure time) for each frame in the image sequence, whereas to implement the second way each frame has an associated replication value representing the number of times each frame is to be presented so as to present the frames at the effective rate. *See, e.g.*, ¶¶ [0023] and [0024].

Claim 1 recites, *inter alia*:

A transmission apparatus comprising:

transmit data generation means for generating transmit data by linking to main data representing an image and/or audio accessory information including **information on a frame rate of this main data and frame identification information of each frame included in a reference frame period**; and

transmission processing means for performing output processing on the transmit data via a transmission channel . . .  
[Emphasis added.]

Applicant respectfully submits that Cok does not teach or suggest the combination of limitations required by Applicant's claim 1. While Cok discusses using meta-data information describing the frame rate (or exposure time) for each frame in the image sequence or alternatively each frame having an associated replication value, Applicant respectfully submits that Cok does not teach or suggest, *inter alia*, both "information on a frame rate" and "frame identification information of each frame included in a reference frame period," as required by Applicant's claim 1. For example, neither Cok's frame rate (or exposure time) metadata nor Cok's replication value can be considered as being "frame identification information of each frame included in a reference frame period," as recited in Applicant's claim 1.

Therefore, for at least the foregoing reasons, Applicant respectfully submits that independent claim 1 is patentable. For reasons similar to those described above with regard to independent claim 1, independent claims 9, 17, and 27 are also believed to be patentable.

#### V. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken

as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

**CONCLUSION**

In view of the above, it is submitted that all pending claims are patentable and the application is in condition for allowance, and Applicants respectfully request early reconsideration and allowance of the application.

Applicant gratefully acknowledges the Examiner's consideration of this matter, and the Examiner is respectfully invited to contact Applicant's undersigned representative by telephone on any outstanding issue regarding the application.

Respectfully submitted,  
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